IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1016 OF 2004

Balwant Rai Agarwal ……. Petitioner.

Versus

Civil Jude, Junior Division, Dehradun…….. Respondents.

Counsel for the petitioner, Sri Jitendra Chaudhary.
Standing Counsel for the respondent no. 1.

Hon'ble Rajesh Tandon, J.

Heard Sri Jitendra Chaudhary, counsel for the petitioner.

By the present Writ Petition, the petitioner has prayed for direction to the respondent no. 1 Civil Judge, Junior Division for deciding the Suit No. 175 of 2003 (Pranaya Niveden Pundir Versus Balwant Rai Agarwal).

Briefly stated, the Suit was filed being Suit No. 175 of 2003 praying for a decree of permanent injunction restraining the defendants from interfering in the peaceful possession of the plaintiff.

Counsel for the defendant/petitioner has submitted that since the order of status quo has been passed in favour of the plaintiff, he is suffering great prejudice due to the pendency of the suit as he is being deprived of the use of the property. In paragraph 5 of the petition, it has been stated that the occupation is unauthorized.

Without entering into the merits of the controversy, the Suit itself is directed to be decided by the learned Civil Judge,

Junior Division without a period of 7 months from filing of the certified copy of the order.

The writ petition is disposed of. Summarily no order as to costs.

(RAJESH TANDON, J.)

15.10.2004
P.S.R.